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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,449	01/20/2004	Mark O. Olson	1579	3048

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KEY SAFETY SYSTEMS, INC.
PATENT DEPARTMENT
7000 NINETEEN MILE ROAD
STERLING HEIGHTS, MI 48314

EXAMINER

DUNN, DAVID R

ART UNIT PAPER NUMBER

3616

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/761,449

Applicant(s)

OLSON, MARK O.

Examiner

David Dunn

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 12, 16 and 18-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 12, 16 and 18-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This Office Action is responsive to the amendment filed September 15, 2005. Claims 2-11, 13-15, and 17 have been canceled and new claims 19-25 have been added.

Drawings

1. The drawings were received on 9/15/05. These drawings are acceptable.

Claim Objections

2. Claim 16 is objected to because of the following informalities: the examiner recommends changing "the central regions" in line 7 to be --the central region-- to agree with "central region" in line 6. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 25 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not describe how the second tether is "configured to prevent the second

inflatable chamber from moving across a plane of the window area” (lines 23-25). This recitation is new matter not supported by the original disclosure.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites the limitation "the lollipop". There is insufficient antecedent basis for this limitation in the claim. Additionally, it is unclear what is meant by "the lollipop".

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohrvall et al. (2003/0230876).

Ohrvall et al. disclose an airbag (see Figure 1) with a plurality of first restrictions (13, 14) extending vertically upward from the periphery of the inflatable region and a second plurality of restrictions (20, 18) extending downward from the periphery, the first restrictions are misaligned horizontally relative to a corresponding restriction of the second restrictions (see Figure 1).

9. Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated by Heigl (6,273,456).

Heigl shows an airbag assembly comprising: an airbag (1) having a plurality of restrictions (25, 27) extending from a top uninflated portion (39) of the airbag toward the central region.

10. Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated by Bakhsh et al. (6,899,350).

Bakhsh et al. shows an airbag assembly comprising: an airbag (see Figure 2) having a plurality of restrictions (140, outer restrictions 140) extending from a top uninflated portion (uninflated portion above restrictions 140 in central portion of the airbag) of the airbag toward the central region.

11. Claims 19-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Heudorfer et al. (6,394,487).

Heudorfer et al. discloses an airbag comprising a first set of joints (sections bordering 32; see Figure 1) extending from the bottom edge and a plurality of joints (42 in the center of airbag above 14a) wherein the stem extends away from the top edge (joints 42 extend away from the top edge toward end 44; the claim does not recite that they have to be connected to the top edge). The airbag includes a third set of joints (42, near 14b on right side of airbag) in a U-shape.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohrvall et al. in view of Heigl (6,273,456).

Ohrvall et al. is discussed above and fails to show a stress reducing structure.

Heigl teaches airbag restrictions having stress reducing structures (31, 33).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ohrvall et al. with the teachings of Heigl to provide the restrictions with stress reducing structures in order to protect the airbag from producing concentrated stress at the termination points of the restrictions.

14. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hardig (6,454,298) in view of Sonnenberg et al. (6,695,347).

Hardig shows an airbag with a first chamber (38) and a non-inflatable region (40), and second chamber (38) with first and second tethers (32) attached to the forward side of the first chamber and the rearward side of the second chamber.

Hardig fails to show the second tether being attached to the rear side region of the non-inflatable region.

Sonnenberg et al. shows a tether (31) being attached to a non-inflatable region (32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hardig with the teachings of Sonnenberg to provide the second tether to be attached to the rear side of the non-inflatable in order to more tightly secure the airbag to the vehicle side when inflating.

Response to Arguments

15. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 571-272-6670. The examiner can normally be reached on Mon-Fri, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Dunn
Primary Examiner
Art Unit 3616